

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

JOHN JORDAN

PETITIONER

VERSUS

CIVIL ACTION NO. 3:05-CV-526WS

DOLAN WALLER, ET AL.

RESPONDENT

**CERTIFICATE OF APPEALABILITY**

A notice of appeal has been filed in the above captioned habeas corpus case. In habeas corpus cases where the detention complained of arises out of process issued by a state court pursuant to Title 28 U.S.C. § 2254; or where the detention arises out of a judgment and conviction in federal court which is being challenged pursuant to Title 28 U.S.C. § 2255; the court, considering the record in the case and the requirements of Title 28 U.S.C. § 2253 and Rule 22(b) of the Federal Rules of Appellate Procedure, shall determine whether a certificate of appeal ability shall issue, and if not, state its reasons for denying the certificate. The court finds as follows:

**Part A**

    A certificate of appeal ability should issue.

  X   A certificate of appeal ability should not issue. (See reasons below.)

Part B

☐ The party appealing is a pauper.

☒ The party appealing is not a pauper. (See reasons below.)

REASONS FOR DENIAL:

Petitioner's request for relief is time barred.

**s/ HENRY T. WINGATE**

**Date: 10/4/06**

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**UNITED STATES DISTRICT JUDGE**

Civil Action No. 3:05-cv-526  
Certificate of Appealability